

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GREGORIO CARMONA,)	
)	
)	Case No. 2015 CV 00462
Plaintiff(s),)	
)	Judge: Gary Feinerman
)	
CITY OF CHICAGO <i>et al</i> ,)	
)	
Defendant(s))	

DEFENDANTS' EXHIBIT LIST

Defendants Daniel Jacobs, Jose Garcia, Cesar Guzman Guzman, Fred Schall, Tracy Fanning, and Neil Francis (collectively “Defendants”), by and through one of their attorneys, Jennifer Bagby, Chief Assistant Corporation Counsel, upon the Court’s request of October 17, 2019, submit the following list of “*Will Use*” and “*May Use*” trial exhibits with previously asserted objections and statements of admissibility. Defendants have included relevant deposition exhibits where applicable.

DEFENDANTS' EXHIBITS – WILL USE

Defendants' Exhibit No.	Description of Exhibit	Objection and basis	Assertion of Admissibility
1.	CPD Area File (FCRL 1509-1937)	No objection	Refreshing recollection only
2.	Medical Examiner's Report of Post Mortem Examination (FCRL 2241-2257)	No objection	
3.	Medical Examiner photographs (FCRL 2258-2271)	Relevance; unfairly prejudicial (FRE 403)	Admissible to show injuries sustained in fire to extent Plaintiff disputes Ms. Martinez-Rayó's cause of death and to extent assist ME in explaining opinions
5.	Portions of CCSAO file (FCRL 7377-7379; 7594-7613)	Hearsay; unfair prejudice (FRE 403)	Refreshing recollection only
6.	Photographs (FCRL 1158 – 1236)	Objection as to any photos FCRL other than at the scene and of Plaintiff; relevance, unfair prejudice (FRE 403)	Admissible to explain the scene and investigation done by detectives in this matter
7.	Video recorded forensic interview of Erica Carmona	Hearsay, unfairly prejudicial (FRE 403)	Admissible to explain course of conduct / effect on listener for why defendants did what they did in this matter and the basis for the probable cause in this matter.
9.	Deposition of Gregorio Carmona and Deposition Exhibits	Plaintiff objects to the transcript being substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	Refreshing recollection or impeachment. Statement of a party opponent.

9 – 1	Photograph of building		
9 - 2	Amended Complaint		
9 – 6	Hand drawn diagram		
9 – 7	Consent to collect biological samples signed by Plaintiff (English)		
9 – 8	Consent to collect biological samples signed by Plaintiff (Spanish)		
10.	Deposition of Edwin Dantes	Plaintiff objects to the transcript being substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	Subject to the parties making designations and rulings of this Court for admissibility on deposition testimony
13.	CV of Dr. Lauren M. Woretz	Hearsay	ME Lauren Woretz is able to testify as to the contents of her CV and the experience and education contained therein.
25.	News Footage of Gregorio Carmona from CBS 2 News, June 15, 2017	Relevance, unfair prejudice and confusion (FRE 403)	Statement of a party opponent; motive (<i>portions to be redacted, subject to rulings on Defendants' Motions in Limine</i>)

DEFENDANTS' EXHIBITS – MAY USE

Defendants' Exhibit No.	Description of Exhibit	Objection and basis	Assertion of Admissibility
1.	CPD Area File (FCRL 36-427; 428-893; 909-993)	No objection	Refreshing recollection only
4.	ERI videos of Plaintiff (FCRL 3825-3892); specifically, portions of FCRL 3827, 3828, 3829, 3832, 3835, 3836, 3837, 3838, 3839, 3848, 3849, 3850, 3851, 3852	Relevance; unfairly prejudicial and confusing (FRE 403); interview was conducted in Spanish, no foundation for translation	Admissible as admission by a party-opponent. Fed. R.Evid. 801(d)(2). Goes to the investigation done by the detectives in this case and probable cause. Can easily be translated at trial.
6.	Photographs (FCRL 7777-7872; 1938-2232)	Objection as to any photos FCRL other than at the scene and of Plaintiff; relevance, unfair prejudice (FRE 403)	Admissible to explain the scene and investigation done by detectives in this matter
8.	13 CR 3753 - Criminal court transcripts; portions of testimony from 1/29/2014; 8/14/2014; 10/25/2016; 12/27/2016; 1/20/2017	Vague (unclear which portions of the transcript are offered)	Dates listed for impeachment purposes only
11.	Deposition of Elena Perez	Plaintiff objects to the transcript being substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	Refreshing recollection or impeachment only
12.	Deposition of Dr. Lauren Woretz	Plaintiff objects to the transcript being substantively	Refreshing recollection or impeachment only

		admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403; foundation for statements regarding manner of death	
14.	Deposition of Raymundo Carmona	Plaintiff objects to the transcript being substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	Refreshing recollection or impeachment only
15.	Gregorio Carmona's Response to Defendant Officer Reppen's First Set of Interrogatories	Plaintiff objects to the responses being substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	Refreshing recollection or impeachment only
16.	Plaintiff Gregorio Carmona's Response to Defendant Officer Jacob's First Set of Interrogatories	Plaintiff objects to the responses being substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	Refreshing recollection or impeachment only
17.	Plaintiff Gregorio Carmona's	Plaintiff objects to the responses being	Refreshing recollection or impeachment only

	Responses to Defendant Officer Garcia's First Set of Interrogatories	substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	
18.	Plaintiff's Amended Responses to Defendant Officer Garcia's Second Set of Interrogatories	Plaintiff objects to the responses being substantively admitted into evidence, as it contains objections not yet ruled upon and potentially inadmissible evidence under Fed. R.Evid. 401, 403	Refreshing recollection or impeachment only
19.	Ambulance Report (FCRL000033-000035)	Joint, no objection	Refreshing recollection only
20.	CFD Incident Report (FCRL 0000906 – 0001005)	No objection	Refreshing recollection only
21.	Crime Scene Processing Report (FCRL 001061 – 001066)	No objection	Refreshing recollection only
22.	Crime Scene Processing Report (FCRL 000591 – 00594)	No objection	Refreshing recollection only
23.	Certified Statement of Disposition, 13CR3753, <i>People v. Gregorio Carmona</i>	No objection	.

24.	Swedish Covenant Hospital Medical Records	Foundation	For use as refreshing recollection or impeachment or to the extent they contain statements of a party- opponent.
26.	Grand Jury Indictment	Unfair prejudice and confusion (FRE 403)	For use as impeachment or for refreshing recollection.
27.	ISP Reports of Adrienne Bickel (FCRL 1111-1112; 1654-1657)	No objection	For refreshing recollection

Respectfully Submitted,

BY: /s/ Jennifer K. Bagby
Jennifer K. Bagby
Chief Assistant Corporation Counsel

Federal Civil Rights Litigation Division
City of Chicago Department of Law
30 North LaSalle Street, Suite 900
Chicago, IL 60602
(312) 742-6408
Attorney No.6271898
Jennifer.Bagby@cityofchicago.org

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2019, I served a copy of **DEFENDANTS' LIST OF "WILL USE" AND "MAY USE" TRIAL EXHIBITS** upon Plaintiff via his attorney of record by causing it to be filed by the CM / ECF system.

/s/Jennifer K. Bagby
Jennifer K. Bagby